

Application No.: 09/923,963  
Amendment dated February 26, 2004  
Reply to Office Action of December 2, 2003

### REMARKS

Claims 4-7 and 9-17 are pending. Claims 4-7 are amended herein, and claims 9-17 are canceled without prejudice.

The Office Action stated that the claim language of claims 4, 5 and 6 is awkward. In response thereto, Applicants have amended the claims to more clearly designate the intended subject matter which Applicants regard as their invention. Specifically, Applicants have amended the claims to encompass specific cobalt and/or nickel compounds.

Presently, claims 4-7 stand rejected as obvious under non-statutory double patenting over claims 1 and 4 of U.S. Patent No. 6,322,925 A1. In response thereto, Applicants have included herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c).

Applicants respectfully submit that in light of the Disclaimer, the double patenting rejection has been rendered moot and respectfully request the rejection be removed.

For at least the foregoing reasons, it is believed that this application is now in condition for allowance. If, for any reason, it is believed that this application is not in condition for allowance, Examiner is encouraged to contact the Applicants' undersigned attorney at the telephone number below to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachments: Terminal Disclaimer w/fee  
Change of Correspondence Address  
MJC/SGA/rrr